

MR. SPEAKER.—The Bill is passed. It is for the hon. Members and authorities concerned to examine it further. Next item. Sri Nagappa.

Mysore Education Cess (Validation of levy) Bill, 1969

(i) *Statutory Resolution*

(ii) *Motion to Consider*

SRI K. H. PATIL.—I am on a point of order. The disapproval is not for the Bill but it is for the ordinance. What I want to know is, when we are considering the disapproval motion we are to consider for what purpose the disapproval motion is brought. It is for disapproval of the ordinance. The hon. Member does not say it is for the Bill. So, while disapproval motion is to be considered the ordinance also should be taken into consideration.

MR. SPEAKER.—This is the procedure that is followed. The Bill that is to be introduced is to replace the ordinance. If there was no Bill, only the disapproval resolution would have been considered. But the Bill is to replace the ordinance. The provisions contained in manual are the same. In order to save the time of the House we are taking both the items together. So, the resolution will be put to vote before the Bill is put to vote. That is the procedure followed everywhere in India.

SRI M. NAGAPPA.—I move the statutory resolution :

“That this Assembly disapproves the Mysore Ordinance No. 4 namely ‘The Mysore Education Cess (Validation of Levy) Ordinance 1969’ promulgated on 19th day of July 1969 by the Governor of Mysore.”

MR. SPEAKER.—The motion is :

“That this Assembly disapproves the Mysore Ordinance No. 4 namely ‘The Mysore Education Cess (Validation of Levy) Ordinance 1969’ promulgated on 19th day of July 1969 by the Governor of Mysore.”

† **SRI H. N. NANJE GOWDA.**—I am on a point of order, Sir. Rule 288 (4) says :

“A member while speaking shall not

(iv) reflect on any determination of the Assembly except on a motion for rescinding it.”

By this Bill it is proposed to amend the Mysore Act 6, i. e., schedule and other things. Just now this Assembly has voted the Mysore

(SRI H. N. NANJE GOWDA)

Compulsory Education (Amendment and Miscellaneous Provisions) Bill, 1969, wherein I can draw your attention to schedule B—repeal and savings. Now, when we have repealed the very Act, to bring in an amendment to the same Act would not be in order because that would amount to reflection on the determination of the Assembly. In the Bill just now we have passed we have repealed the Madras Elementary Education Act, 1920 the Mysore Elementary Education Act, 1941, etc. We have already repealed it. So to amend the very provisions which this House has now repealed, would amount to a reflection on the determination of this Assembly. Therefore I would like to know from the Government and the Chair whether this Bill would be in order and whether it would not amount to reflection on the determination of this House. I feel this Bill cannot be admitted. If they come with a proposal for rescinding the determination of this Assembly it can be admitted.

† Sri M. NAGAPPA.—Apart from what Sri Nanje Gowda has pointed out, I want to point out certain other matters. This particular Bill that is going to be taken into consideration has already been repealed by His Excellency the Governor by Ordinance No. I dated 17th May 1969. I want to know from the Chair whether it is valid under the Constitution to move an amendment to a repealed Act and that too retrospectively. If any clause is declared void, I concede that a validation Act can be passed.

† ಶ್ರೀ ಎನ್. ಎಂ. ಕೌಟುಬನಯ್ಯನೇಗಿ.—ಮೌದಲನೆಯುದಾಗಿ ಇದು ವಾಯಾಲಡೇಪನ ಅಕ್ಷ್ಯ. ಈ ಮುಂಡಿ ಪಾಸ್ ಘಾಡಿದಂತಹ ಒಂದು ಕಾಯುದೆಯಲ್ಲಿ ರಚಿತ್ ಅಂತ ಘಾಡಿದ್ದೆವು ಅದ್ದು ಇನ್ನೊಂದು ಪೂರ್ವ ಕಾಯುದೆ ಆಗಿಲ್ಲ, ರಾಜ್ಯಪಾಲರ ನಿಕ್ತ ಬದ್ದಿಪ್ಪೇಶೀಲ್ ಅದು ಕಾಯುದೆಯಾಗುತ್ತದೆ. ಹಿಂದಿನ ಕಾಯುದೆಯ ಪ್ರಕಾರ ಚಾರ್ಕ್ ವನ್ನೊಲ್ಲಿ ಘಾಡಿದ್ದೆವು, ಆ ಪ್ರಕಾರ ಘಾಡಿ ಬಾರದು ಎಂದು ಹೈಕೋರ್ಟ್ ನವರು ಹೇಳಿದ್ದಾರೆ. ಆಗಾಗಲ್ಲೇ ಕರ್ತವ್ಯನ್ನು ಘಾಡಿ ಆಗಿದೆ, ವಾಪನು ಕೊಡುವುದಕ್ಕೆ ಬಿರುವದಿಲ್ಲ ಅಂತ ಹೇಳಿ ಅದನ್ನು ವಾಯಾಲಡೇಪನ್ ಘಾಡುತ್ತಾ ಇದ್ದೇವೆಯೇ ಹೊರತು ಹೊಸದಾಗಿ ನಿನ್ನೊಂದು ತರುತ್ತಾ ಇಲ್ಲ. ಆದ್ದರಿಂದ ಇದು ಅಕ್ರಮ ವಾಗಿಸುವಲ್ಲಿ ಎಂದು ಹೈಕೋರ್ಟ್ ಅಪ್ಪೇಕ್ಕೆಪಡುತ್ತೇನೆ.

Mr. SPEAKER.—I have heard the Hon'ble Member Sri Nanje Gowda and Sri Nagappa on this point of order. As far as I could see this Bill is not seeking to amend an old Bill but it only seeks to validate with retrospective effect the action taken under the old Bill. Therefore, in my opinion there is no attempt to amend any Bill as such but what is sought to be done is to validate the action taken under the old Bill. In the light of what I have said, the objection taken by the Hon'ble Member does not appear to be valid.

Secondly, after this Bill is passed here it will go to the Council and after both the Houses pass this Bill, it will go to the Governor for his assent.

Sri K. H. PATIL.—Sir, this House would like to know what was the observation made by the High Court and on what ground it has set it aside.

Mr. SPEAKER.—The Hon'ble Member can raise that objection when the Bill is taken up for consideration.

As I said, the purpose of this Bill is not to amend the old Bill but only to validate action taken under the old Bill. Therefore, I am unable to uphold the point of order raised by the Hon'ble Members.

Sri N. M. KOTRABASAIAH SOGI.—Sir, I beg to move:

"That the Mysore Education Cess (Validation of Levy) Bill, 1969 be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Education Cess (Validation of Levy) Bill, 1969 be taken into consideration."

(*Sri Nagappa rose*)

Sri K. H. PATIL.—Before the Hon'ble Member Sri Nagappa begins his speech, I wish to point out that the time is already up and there are only ten minutes to Seven. We are yet to know what are the observations of the Learned High Court. So, let the Government give us copies of the High Court Judgment and Sri Nagappa can make his observations tomorrow in the light of the observations made by the High Court in that judgment.

ಶ್ರೀ ಎಂ. ನಾನು ಈ ಆಜ್ಞೆಯನ್ನು ತಿರಸ್ತುವಬೇಕು ಎಂಬ ವಿಷಯವನ್ನು ಹೇಳುತ್ತ, ಯಾವ ವಿಷಯಗಳಿಗಾಗ ಇದನ್ನು ತಿರಸ್ತಾಪ ವಾಡಬೇಕು ಎಂಬುದನ್ನು ನಾನು ತಮ್ಮ ದುಃಂಡಿಪುರದ್ದೆ ಇಟ್ಟಪ್ಪತ್ತಿ ಇನ್.

ଜୁମ୍ବ ହାଗେ ଆ ରିଶିଲାଦ ଅକ୍ଷନ୍ତଳୀ କେଲପ ତେଣିଗୁମ୍ବନୁ, ଏହି ନଚାରଦ ଛଙ୍ଗଗର୍ଭ ବିଗ୍ନେ ତେଣିଗୁମ୍ବନୁ ଏହିଥିଦେଇ କାରଣ, ହାଗୋ ଆ ଅକ୍ଷରୁଦ୍ଧିଦେଇ ପେଶାରାତ୍ରି ଦିଦି ହଜାନୁ ରେଫାଂଡ୍